



House of Representatives

General Assembly

File No. 217

February Session, 2006

Substitute House Bill No. 5584

House of Representatives, March 29, 2006

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ROUTE 11 GREENWAY AUTHORITY COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (c) and (d) of section 13a-142e of the 2006
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2006*):

4 (c) Such ordinance shall also require the Commissioner of
5 Environmental Protection and the Commissioner of Transportation,
6 not later than sixty days after May 26, 2000, to call a meeting of said
7 commission which shall, within ninety days thereafter:

8 (1) Hold public hearings for the purpose of developing standards
9 for (A) defining the initial boundaries of the Route 11 Greenway, (B)
10 planning the design, construction, maintenance and management of
11 the Route 11 Greenway [trail system] and intermodal transportation
12 access system, (C) identifying and prioritizing lands that should be

13 added to the Route 11 Greenway, (D) recommending land use within
14 the Route 11 Greenway, and (E) acquiring land and securing
15 conservation easements for the Route 11 Greenway, except that
16 nothing in public act 00-148* shall be construed to prohibit the
17 acquisition of land within the Route 11 Greenway by a municipality;
18 and

19 (2) Establish by-laws by which the commission shall (A) conduct its
20 meetings, including a provision specifying that no action by the
21 commission shall be effective except by the concurring vote of at least
22 four members, (B) protect and preserve the lands under its custody,
23 (C) supervise staff, (D) maintain its records, and (E) report to the
24 General Assembly, as required under subsection (d) of this section.

25 (d) Notwithstanding any other provision of this section or the
26 general statutes, the commission may: (1) Acquire or convey by
27 purchase, gift, lease, devise, exchange or otherwise, any land or
28 interest therein including, but not limited to, conservation easements,
29 located wholly or partly in the conservation zone, provided such
30 acquisition does not utilize funds furnished by the state; (2) transfer,
31 with the approval of the commissioner, any land or interest therein to
32 the state with or without consideration, provided any funds received
33 therefor shall not be deemed funds furnished by the state for the
34 purposes of this section; (3) contribute or transfer funds to, and enter
35 into agreements with, land trusts or other conservation organizations,
36 to carry out the purposes of public act 00-148*; and (4) request the
37 Commissioner of Transportation to acquire an interest in real property
38 on behalf of the commission for use as part of the Route 11 Greenway
39 [trail system] and, if acquired by said commissioner, accept the transfer
40 of custody and control of such interest from said commissioner. Said
41 commissioner may acquire any interest in real property for use as part
42 of the Route 11 Greenway [trail system] in the same manner and with
43 like powers as authorized and exercised by said commissioner in
44 acquiring real property for highway purposes and may, upon request
45 of the commission [and pursuant to an act of the General Assembly,]
46 transfer custody and control of such interest in real property to the

47 commission. The commission shall report to the General Assembly, on
48 or before February fifteenth, annually, on its activities of the preceding
49 year and on its finances. The existence of the commission shall
50 terminate at such time as all of its member towns have withdrawn or it
51 is abolished by the General Assembly.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	13a-142e(c) and (d)

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Transportation	TF - See Below	See Below	See Below

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The bill is technical in nature and has no fiscal impact.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis
sHB 5584***AN ACT CONCERNING THE ROUTE 11 GREENWAY AUTHORITY COMMISSION.*****SUMMARY:**

By law, the Route 11 Greenway Authority Commission can ask the transportation commissioner to acquire an interest in real property for use as part of the Route 11 Greenway trail system and, if he acquires any such interest, to transfer custody and control of it to the commission pursuant to a legislative act. The law authorizes the commissioner to acquire the property interests in the same ways he can acquire real property for highway purposes, including through condemnation.

This bill (1) clarifies that the commission may request the commissioner to acquire land only on the commission's behalf, (2) eliminates the necessity for legislative action to transfer land the commissioner acquires for the commission to it, and (3) removes all references to the Route 11 Greenway trail system and instead refers only to the Route 11 Greenway.

EFFECTIVE DATE: October 1, 2006

BACKGROUND***Route 11 Greenway Authority Commission***

The law allows the towns of East Lyme, Montville, Salem, and Waterford to establish the Route 11 Greenway Authority Commission, which they have done. Each town has one member and one alternate member on the commission, as does the Southeastern Connecticut Council of Governments. The transportation and environmental protection commissioners also are members. The commission must

hold public hearings to develop standards for (1) defining the initial boundaries of the Route 11 Greenway; (2) planning its design, construction, maintenance, and management; (3) identifying and prioritizing land that should be added to the greenway; (4) recommending land use within the greenway; and (5) acquiring land and securing conservation easements for the greenway. The commission may not use state funds for acquisitions. It may transfer to the state land or interests in land it acquires, but has no specific authority to directly request state agencies to purchase land or easements for the greenway.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/14/2006)